

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 28, 2021

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLOS HERRERA,

Defendant - Appellant.

No. 19-2126
(D.C. No. 2:15-CR-04268-JB-25)
(D. N.M.)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL SANCHEZ, a/k/a Dan Dan,

Defendant - Appellant.

No. 19-2141
(D.C. No. 2:15-CR-04268-JB-18)
(D. N.M.)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY RAY BACA, a/k/a Pup,

Defendant - Appellant.

No. 19-2195
(D.C. No. 2:15-CR-04268-JB-21)
(D. N.M.)

ORDER

This matter is before the court on the United States' *Unopposed Motion to Supplement the Record on Appeal*. The motion is granted.

On or before August 2, 2021, the Clerk of the U.S. District Court for the New Mexico shall prepare and transmit to the Clerk of this court a supplement to the record on appeal consisting of the items identified in the United States' motion, a copy of which is attached to this order.

The United States' consolidated response brief remains due August 2, 2021.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, reading "Sunil N. Rao". The signature is written in a cursive, flowing style.

By: Sunil N. Rao
Counsel to the Clerk

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff/Appellee,

vs.

No. 19-2126

CARLOS HERRERA,

Defendant/Appellant.

UNITED STATES OF AMERICA,

Plaintiff/Appellee,

vs.

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DANIEL SANCHEZ,

Defendant/Appellant

UNITED STATES OF AMERICA,

Plaintiff/Appellee,

vs.

No. 19-2195

ANTHONY RAY BACA,

Defendant/Appellant

**UNOPPOSED MOTION TO SUPPLEMENT
THE RECORD ON APPEAL**

Pursuant to 10th Cir. R. 27.5, Appellee, the United States of America, hereby moves this Court to supplement the record on appeal with the following documents from the district court:

Doc. #	DESCRIPTION
2	Indictment
672	Defendant Rudy Perez's Motion to Appoint Counsel
674	Defendant Herrera's <i>Ex Parte</i> Motion for Order for Second Counsel and Appointment <i>Pro Hac Vice</i>
1158	United States' Supplemental Brief Regarding Timing of Disclosure of <i>Giglio</i> Impeachment Evidence
1205	Fourth Scheduling Order
1275	United States' Response to Defendants Billy Garcia and Edward Troup's Second Motion to Compel Discovery
1512	Opposed Motion to Exclude Reference to and Evidence of Unrelated Enterprise Acts
1538	Defendant Baca's Motion <i>in Limine</i> to Prohibit Government from Introducing Evidence of Alleged Bad Acts
1539	Defendant Baca's Motion <i>in Limine</i> to Prohibit Government Attorneys from Using Rule 405, 608 or 609 Character Evidence Without Judicial Approval
1581	United States' Omnibus Response to Defendants' Motions to Exclude Prior Bad Acts Evidence
1605	Amended Sealed Notice of Recent Government Productions
1633	United States' Sealed Supplemental Witness List
1637	United States' Exhibit List
1702	Defendant Baca's Renewed Motion <i>in Limine</i> to Prohibit Government from Introducing Evidence of Alleged Bad Acts
1719	Sealed Response in Opposition to the Government's Motion for Reconsideration of the Court's Two Jury Proposal
1742	Trial Brief in Support of Perez's Right to Present Evidence of Threats
1765	Herrera's Trial Brief
1781	Memorandum Opinion and Order denying Trial Brief in Support of Perez's Right to Present a Full Defense and Trial

Doc. #	DESCRIPTION
	Brief in Support of Perez's Right to Present Evidence of Threats
1813	United States' Sealed Trial Brief Regarding Admissibility of Exhibits 304 and 305
1870	Memorandum Opinion and Order granting Baca's oral motion for judgment of acquittal as to Count 8
1877	Court's Final Jury Instructions (without citations)
2378	Memorandum Opinion and Order denying Arturo Garcia's oral motion to dismiss Count 3 of Superseding Indictment
2422	Arturo Garcia's Motion for Judgment of Acquittal, or in the Alternative, Dismissal Pursuant to Rule 12(B)(2)
3005	Memorandum Opinion and Order denying motion to continue the January 29, 2018 trial setting
3018	Memorandum Opinion and Order granting in part and denying in part Defendants' Omnibus Motion for Timely Disclosure of <i>Giglio</i> Materials
3029	Memorandum Opinion and Order regarding evidence of bad acts
3035	Memorandum Opinion and Order denying motions for new trial or judgment of acquittal as to Trial 2 defendants

The United States will refer to these documents in its consolidated answer brief, and the documents will assist the Court in deciding this appeal.

Richelle Anderson, with the Law Office of Ryan Villa, attorney for Mr. Herrera; Josh Lee, attorney for Mr. Sanchez; and Theresa M. Duncan, attorney for Mr. Baca, do not oppose this motion.

For the foregoing reasons, the United States respectfully requests that this Court supplement the record on appeal with the above-referenced documents.

Respectfully submitted,

FRED J. FEDERICI
Acting United States Attorney

s\ Richard C. Williams
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CERTIFICATE OF SERVICE AND DIGITAL SUBMISSION

I HEREBY CERTIFY that the foregoing motion was filed with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit by using the appellate CM/ECF system on July 27, 2021. I ALSO CERTIFY that Ryan Villa, attorney for defendant-appellant Carlos Herrera, Josh Lee, attorney for defendant-appellant Daniel Sanchez, and Theresa M. Duncan, attorney for defendant-appellant Anthony Ray, are registered CM/ECF users, and that service will be accomplished by the appellate CM/ECF system. I ALSO CERTIFY that this document contains 480 words and that I relied on my word processor, Microsoft Word 2016, to obtain this count.

/s/ Richard C. Williams

RICHARD C. WILLIAMS

Assistant United States Attorney